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**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****49 CFR Part 1****[OST Docket No. 1; Amdmt 1-227]****Organization and Delegation of  
Powers and Duties to Administrator of  
Federal Railroad Administration****AGENCY:** Office of the Secretary, DOT.**ACTION:** Final rule.

**SUMMARY:** This amendment delegates to the Administrator of the Federal Railroad Administration ("FRA") all functions vested in the Secretary of Transportation ("Secretary") by section 18 (g) and (h) of the Rail Safety Improvement Act of 1966 (Pub. L. No. 100-342, 102 Stat. 636) since these functions relate to duties normally carried out by FRA.

**EFFECTIVE DATE:** The effective date of this amendment is February 25, 1989.

**FOR FURTHER INFORMATION CONTACT:** Samuel E. Whitehorn, Esq., Office of the General Counsel, C-50, Department of Transportation, 400—7th Street SW, Washington, DC 20590 (202) 368-8306.

**SUPPLEMENTARY INFORMATION:** Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary, and it may be made effective in fewer than thirty days<sup>3</sup> after publication in the Federal Register.

Section 18 of the Rail Safety Improvement Act of 1968 contains two provisions<sup>8</sup> related to rail passenger service and the operation of such service by the National Railroad Passenger Corporation ("Amtrak"). Section 18(g) provides that Amtrak or the owner of any facility which presents

a danger to the employees, passengers, or property of Amtrak may petition the Secretary of Transportation for assistance to the owner of the facility for relocation or other remedial measures to minimize or eliminate such danger. If the Secretary determines that the facility presents a danger of death or serious injury to any employee or passenger of Amtrak or serious damage to any property of Amtrak and that the owner of the facility should not be expected to bear the cost of the relocation or other remedial measures necessary to minimize or eliminate the danger, then the Secretary is to recommend to Congress that Congress authorize funding, by reimbursement or otherwise, for the relocation or other remedial measures.

Section 18(h) provides that Amtrak may apply to the Secretary of Transportation, alone or in cooperation with the owner or operator of any rail passenger station, for funding appropriated by Congress to correct violations of building, construction, fire, electric, sanitation, mechanical, or plumbing codes, that were the subject of a violation notice received before October 1, 1987, from state or local authorities.

Since both of these statutory provisions involve rail passenger service issues traditionally within the responsibility of the Federal Railroad Administrator, they are being delegated to the Administrator.

#### List of Subjects of 49 CFR Part 1

Authority delegations (government agencies), Organization and functions (government agencies), Transportation Department.

For the reasons set forth in the preamble, Title 49, Part 1, of the Code of Federal Regulations is amended as follows:

#### PART 1—(AMENDED)

1. The authority citation for Part 1 continues to read as follows:  
Authority: 49 U.S.C. 322.

2. Section 1.49 of Part 1 of Title 49, Code of Federal Regulations, is amended by adding at the end thereof a new paragraph (cc), and the introductory text of § 1.49 is reprinted for the convenience of the reader, as follows:

##### § 1.49 Delegations to Federal Railroad Administrator.

The Federal Railroad Administrator is delegated authority to-

(cc) Carry out the functions vested in the Secretary by section 18 (g) and (h) of

the Rail Safety Improvement Act of 1988 (Pub. L. No. 100-342).

Issued in Washington, DC on February 25, 1989.

Sammuel K. Skinner,  
Secretary of Transportation.

[FR Doc. 89-4892 filed 3-1-89; 8:45 am]

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(4910 - 62M)

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

(49 CFR Part 1)

(OST Docket No. 1; Amendment 1 - 227)

ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

RAIL SAFETY IMPROVEMENT ACT OF 1988

AGENCY: Department of Transportation ("**DOT**"), Office of the Secretary

ACTION: Final rule

SUMMARY: This amendment delegates to the Administrator of the Federal Railroad Administration ("**FRA**") all functions vested in the Secretary of Transportation ("**Secretary**") by Section 18(g) and (h) of the Rail Safety Improvement Act of 1988 (Pub. L. No. 100-342, 102 Stat. 636) since these functions relate to duties normally carried out by FRA.

DATE: The effective date of this amendment is February 25, 1989

FOR FURTHER INFORMATION CONTACT: Samuel E. Whitehorn, Esq.,  
Office of the General Counsel, C-50, Department of  
Transportation, 400 - 7th Street, S.W., Washington, D.C. 20590  
(202) **366-9306**.

SUPPLEMENTAL INFORMATION: Since this amendment relates to  
Departmental management, procedures, and practice, notice and

comment on it are unnecessary, and it may be made effective in fewer than thirty days after publication in the FEDERAL REGISTER.

Section 18 of the Rail Safety Improvement Act of 1988 contains two provisions related to rail passenger service and the operation of such service by the National Railroad Passenger Corporation ("**Amtrak**"). Section 18(g) provides that Amtrak or the owner of any facility which presents a danger to the employees, passengers, or property of Amtrak may petition the Secretary of Transportation for assistance to the owner of the facility for relocation or other remedial measures to minimize or eliminate such danger. If the Secretary determines that the facility presents a danger of death or serious injury to any employee or passenger of Amtrak or serious damage to any property of Amtrak and that the owner of the facility should not be expected to bear the cost of the relocation or other remedial measures necessary to minimize or eliminate the danger, then the Secretary is to recommend to Congress that Congress authorize funding, by reimbursement or otherwise, for the relocation or other remedial measures.

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appropriated by Congress to correct violations of building, construction, fire, electric, sanitation, mechanical, or plumbing codes, that were the subject of a violation notice received before October 1, 1987, from state or local authorities.

Since both of these statutory provisions involve rail passenger service issues traditionally within the responsibility of the Federal Railroad Administrator, they are being delegated to the Administrator.

List of Subjects of 49 CFR Part 1:

Authority delegations (government agencies):

Organization and functions (government agencies);

Transportation Department.

For the reasons set forth in the preamble, Title 49, Part 1, of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 1 continues to read as follows:

AUTHORITY: 49 U.S.C. 322.

2. Section 1.49 of Part 1 of Title 49, Code of Federal Regulations, is amended by adding at the end thereof a new

paragraph (cc), and the introductory text of section 1.49 is reprinted for the convenience of the reader, as follows:

Section 1.49 Delegations to Federal Railroad Administrator.

The Federal Railroad Administrator is delegated authority to --

\* \* \* \* \*

(cc) Carry out the functions vested in the Secretary by section 18(g) and (h) of the Rail Safety Improvement Act of 1988 (Public Law No. 100-342).


Issued in Washington, D.C., on February 25, 1989

Samuel K. Skinner



Secretary of Transportation

CERTIFIED TO BE A TRUE  
COPY OF THE ORIGINAL:



LINDA W. SENESE  
CERTIFYING OFFICER